

UNITED STATES DISTRICT COURT
Northern District of California
450 Golden Gate Avenue
San Francisco, California 94102

www.cand.uscourts.gov

Richard W. Wieking
Clerk

General Court Number
415.522.20

June 3, 2008

U.S. District Court
Eastern District of California
Office of the Clerk
4-200 U.S. Courthouse
501 I Street
Sacramento, CA 95814

RE: CV 08-2707 CRB(PR) HERBERT WILLIAM MULLIN -v- M. MARTEL

Dear Clerk,

Pursuant to an order transferring the above captioned case to your court, transmitted herewith are:

- ☒ Certified copy of docket entries.
- ☒ Certified copy of Transferral Order.
- ☐ Original case file documents.
- ☒ Please access the electronic case file for the pleadings you may need. See the attached instructions for details.

Please acknowledge receipt of the above documents on the attached copy of this letter.

Sincerely,
RICHARD W. WIEKING, Clerk



by: Maria Loo
Case Systems Administrator

Enclosures
Copies to counsel of record

I hereby attest and certify this is a printed copy of a document which was electronically filed with the United States District Court for the Northern District of California.

Date Filed: 6/2/08

RICHARD W. WIEKING, Clerk

By: [Signature], Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HERBERT WILLIAM MULLIN,

Petitioner,

vs.

M. MARTEL, Warden,

Respondent.

No. C 08-2707 CRB (PR)

ORDER OF TRANSFER

JUN 02 2008

ENTERED IN CIVIL DOCKET

Petitioner seeks federal habeas review of the denial of parole from a sentence imposed by Santa Cruz County Superior Court, which lies in this judicial district. See 28 U.S.C. § 84(a). Petitioner is incarcerated at Mule Creek State Prison in Ione, County of Amador, which lies in the Eastern District of California. See id. § 84(b).

Venue is proper in a habeas action in either the district of conviction or the district of confinement, id. § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence. See Habeas L.R. 2254-3(a); Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989); cf. Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968) (district of conviction preferable forum to review conviction).

Because the County of Amador lies in the Eastern District of California, the court orders that pursuant to 28 U.S.C. § 1404(a) and Habeas Local Rule 2254-3(b), and in the interest of justice, this petition be transferred to the United States District Court for the Eastern District of California.

The clerk shall transfer this matter and terminate all pending motions as moot.

SO ORDERED.

DATED: June 2, 2008

[Signature]
CHARLES R. BREYER
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

HERBERT W. MULLIN,

Plaintiff,

v.

MARTEL et al,

Defendant.

Case Number: CV08-02707 CRB

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 2, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Herbert William Mullin B-51410
Mule Creek State Prison
Rm.# 10-112 UP
P.O. Box #409040
Ione, CA 95640

Dated: June 2, 2008

Richard W. Wieking, Clerk
By: Barbara Espinoza, Deputy Clerk

CLOSED, E-Filing, HABEAS, ProSe, TRANSF

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:08-cv-02707-CRB
Internal Use Only**

Mullin v. Martel
Assigned to: Hon. Charles R. Breyer
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 05/29/2008
Date Terminated: 06/02/2008
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: Federal Question

Petitioner**Herbert William Mullin**represented by **Herbert William Mullin**

B-51410
Mule Creek State Prison
Rm.# 10-112 UP
P.O. Box #409040
Ione, CA 95640
PRO SE

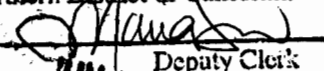
V.

Respondent

Martel
Warden

I hereby certify that the annexed
instrument is a true and correct copy
of the original on file in my office.
ATTEST:

RICHARD W. WIEKING
Clerk, U.S. District Court
Northern District of California

By  Deputy Clerk

Date **JUN 03 2008**

Date Filed	#	Docket Text
05/29/2008	<u>1</u>	PETITION for Writ of Habeas Corpus. No Process. Filed by Herbert William Mullin. (Attachments: # <u>1</u> Part 2, # <u>2</u> Part 3)(mcl, COURT STAFF) (Filed on 5/29/2008) (Entered: 05/30/2008)
05/29/2008	<u>2</u>	CLERK'S NOTICE re completion of In Forma Pauperis affidavit or payment of filing fee due within 30 days. (mcl, COURT STAFF) (Filed on 5/29/2008) (Entered: 05/30/2008)
05/29/2008		CASE DESIGNATED for Electronic Filing. (mcl, COURT STAFF) (Entered: 05/30/2008)
06/02/2008	<u>3</u>	ORDER TRANSFERRING CASE to the Eastern District of California. Signed by Judge Charles R. Breyer on 6/02/08. (Attachments: # <u>1</u> Certificate of Service)(be, COURT STAFF) (Filed on 6/2/2008) (Entered: 06/02/2008)

06/03/2008	<u>4</u>	Letter from Clerk transferring case to U.S. District Court, Eastern District of California. (Attachments: # <u>1</u> Certified Transfer Order)(mcl, COURT STAFF) (Filed on 6/3/2008) (Entered: 06/03/2008)
------------	----------	--